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PATENT
Attorney Docket No.: 020366-092600US

TOWNSEND and TOWNSEND and CREW LLP

By:


Cindy Bennett

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven M. Casey et al.

Application No.: 10/681,530

Filed: October 8, 2003

For: SYSTEMS AND METHODS FOR
LOCATION BASED IMAGE
TELEGRAPHY

Customer No.: 20350

Confirmation No.: 7288

Examiner: Czekaj, David J.

Technology Center/Art Unit: 2621

PRE-APPEAL BRIEF
REQUEST FOR REVIEW

MAIL STOP: AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejections dated September 25, 2007 (the "Office Action") for the above-identified application. A response after-final has been filed in this application, but no amendments from that response have been entered per an Advisory Action dated February 26, 2008. No amendments to the claims are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated herein.

Remarks

The Applicant respectfully requests review of the pending rejection of claims 9 and 30 because the Office Action has not established that these claims are anticipated, nor has a prima facie case of obviousness been established with respect to these claims.

Claim 9

Claim 9 stands rejected as being obvious over Kimura in view of Tullis, and further in view of Clapper. The recitations of this claim were rejected in the First Office Action dated April 5, 2007, as well as the Final Office Action dated February 26, 2008.

Claim 9 recites “wherein the map is a topological map.” Nowhere in Kimura, Tullis, and Clapper is a topological map even mentioned. The Office Action cites column 6, lines 55-59 of Clapper as teaching or suggesting these recitations. However, this portion of Clapper only recites a general “map mode” and does not mention a topological map. Even more specifically, this portion of Clapper discusses calculating of a travel vector in regards to the map mode. As is known in the art, topological maps may lack scale and/or realistic orientation of landmarks. As such, a “calculated” travel vector will likely have no meaning with respect to a topological map. Thus, at least this portion of Clapper may even teach away from providing a topological map.

Because Kimura, Tullis and Clapper do not teach or suggest “wherein the map is a topological map[,]” Kimura, Tullis and Clapper do not teach all of the recitations of claim 9. Because Kimura, Tullis and Clapper do not teach or suggest all of the recitations of claim 9, nor have such recitations been otherwise shown to have been known in the art at the time of the invention, a prima facie case of obviousness has not been established. Therefore, for at least this reason, Applicant respectfully requests withdrawal of the §103 rejection of this claim.

Claim 30

Claim 30 stands rejected as obvious over Kimura in view of Tullis, and further in view of Clapper. The recitations of this claim was rejected in the First Office Action dated April 5, 2007, as well as the Final Office Action dated February 26, 2008 where the recitations of claim 30 were incorporated into claim 1, 11, 18 and 29.

Claim 30 recites “wherein the central monitor plots a representation of the location on a map.” Kimura, Tullis and Clapper do not teach or suggest the central monitor plotting a representation of the location on a map. The Office Action, in regards to now canceled claim 30, cites Clapper, col. 5, ll. 33-35 as teaching or suggesting such a recitation. However, this portion of Clapper merely discusses the user device displaying a map, not a central monitor

which, as recited in claims 1, 11, 18 and 29 is remote from the user device. Meanwhile, while Tullis may discuss a central monitor displaying images captured by a camera (col. 7, ll. 3-7), it does not teach or suggest such central monitor displaying a map as recited by claim 30.

Because Kimura, Tullis and Clapper do not teach or suggest “wherein the central monitor plots a representation of the location on a map[,]” Kimura, Tullis and Clapper do not teach all of the recitations of claim 30. Because Kimura, Tullis and Clapper do not teach or suggest all of the recitations of claim 30, nor have such recitations been otherwise shown to have been known in the art at the time of the invention, a prima facie case of obviousness has not been established. Therefore, for at least this reason, Applicant respectfully requests withdrawal of the §103 rejection of this claim.

Conclusion

For at least all of the foregoing reasons, the Applicant respectfully requests withdrawal of at least the rejections discussed and issuance of a formal Notice of Allowance.

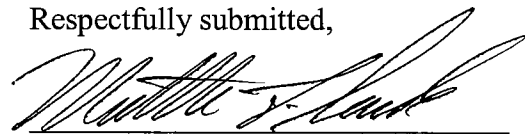
If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Date: March 25, 2008

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Respectfully submitted,



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